



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re: Application of: Hakim
Serial No.: 10/001,257
Filing Date: 11/27/01
Examiner: Joseph Man Moy
Art Unit: 3727
For: No Spill Drinking
Cup Apparatus
Attorney Docket No.: 4009.007.002

Patent Application

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JUN 11 2003

OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313 -1450

Transmittal Letter

Enclosed please find: (a) a Petition to Accept Unintentionally Delayed Priority Claim; (b) an Amendment of June 4, 2003, amending the first page of the specification; and (c) replacement sheets for page 1 of the specification (clean and marked-up copies). The Commissioner is hereby authorized to charge all amounts due for the present petition and transmittal to Deposit Account No. 50-1604.

Dated: June 4, 2003

Respectfully submitted,

mceney

Morris E. Cohen (Reg. No. 39,947)
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CERTIFICATE OF MAILING (FIRST CLASS MAIL)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313 -1450 on the date listed below.

mceney

Morris E. Cohen
Mailing Date: June 4, 2003



#8

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Petition to Accept Unintentionally Delayed Priority Claim

Applicant hereby petitions under 35 U.S.C. §120, 37 C.F.R. §1.78(a)(3), and M.P.E.P. §201.11 to accept an unintentionally delayed priority claim for the benefit of prior-filed applications, or, alternatively, requests correction of the filing receipt and file in this matter to reflect Applicant's priority claims under any and all applicable law.

Upon review of the file in the present application, it has come to counsel's attention that Applicant's priority claim to two prior applications has not been acknowledged in this matter. Accordingly, Applicant hereby petitions for entry of the priority claim to his parent nonprovisional application (Serial No. 09/138,588) and provisional application (Serial No. 60/056,218).

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Pursuant to 37 C.F.R. §1.78(a)(3), the present petition requires: (i) the reference required by 35 U.S.C. §120 and paragraph (a)(2) of this section to the prior filed applications; (ii) the surcharge set forth in §§ 1.17(t); and (iii) a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional.

With respect to the required reference under (i), it is provided as follows:

—The present application is a continuation of U.S Nonprovisional Application Serial No. 09/138,588 filed August 21, 1998 (patented), which claims the priority of U.S. Provisional Application Serial No. 60/056,218 filed August 21, 1997. The priority of both applications is claimed, and both applications are fully incorporated herein by reference.—

The incorporation by reference listed above is believed to be proper since the prior applications were incorporated by reference at the time that the present application was filed. The first line of the application is also being corrected via an amendment which is being submitted concurrently with the present petition.

With respect to requirement (ii), the surcharge set forth under §1.17(t), authorization is hereby provided to charge all amounts due to Deposit Account 50-1604.

With respect to requirement (iii), this will confirm that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. When the present application was filed, the first line of this application had included an express reference claiming the priority of the prior applications, since counsel had intended to claim priority thereto. It has now come to our attention that priority was not acknowledged and it is believed that this was due to the fact that the reference did not expressly indicate the relationship between the applications as now set forth above. Therefore, the present petition is being submitted to ensure that this application is afforded the priority of those applications to correct this unintentional error.

In the event that a petition is deemed unnecessary, or that further action of some form or a different petition is required for the present correction, please contact counsel at the address or phone number listed below so that we may address the Patent Office's requirements. Correction of the application in this matter to obtain the priority of the prior applications under any and all applicable law is hereby requested.

Counsel thanks the Patent Office in advance for their consideration of this matter.

Dated: June 4, 2003

Respectfully submitted,



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